

October 6, 2016

National Freedom of Information Officer
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC, 20460

RE: Amended FOIA Request

To Whom It May Concern:

This is an amended request for documents pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. The tracking number for our initial request is EPA-HQ-2016-009798.

I am requesting on behalf of *Earth Island Journal* and *Truthout* a copy of all documents and/or databases containing information about any sustained violations found by your agency against any state, federal or privately owned/operated correctional agency, prison, correctional facility, jail or detention center, or any employees thereof. This request is for the time period of January 1, 2002 to the present.

I am amending this request to additionally include any and all environmental violations reported to the EPA by any state, federal, or privately owned/operated correctional agency, prison, correctional facility, jail or detention center, or any employees thereof, whether or not such reported violations resulted in enforcement actions. This request is also for the time period of January 1, 2002 to the present.

On behalf of *Earth Island Journal* and *Truthout*, I am requesting a fee waiver in both the processing of this request and the provision of copies of the relevant documents. I am providing you with the following information to confirm that *Earth Island Journal* and *Truthout* both qualify for and should be provided with a fee waiver under the FOIA.

Both *Earth Island Journal* and *Truthout* are 501(c)(3) nonprofit organizations. We are serious political outlets reporting on news and litigation involving the prisons and detention centers and the broader criminal legal system. *Earth Island Journal* has published quarterly since 1985 and online 5 days a week since 2013. It currently has around 12,000 print subscribers and about 40,000 unique visitors to its website a month. *Truthout* has been publishing online daily since 2001, and has an average of about 1 million unique visitors to its website each month.

We believe that the requested documents will shed light on the operations of our nation's correctional agencies and help provide the public with a better understanding of how the nation's prison systems are run and managed. Therefore, *Earth Island Journal* and *Truthout* will be analyzing and publishing the results of this FOIA request in *Earth Island Journal's* print and online editions and on *Truthout's* website.

This information will significantly contribute to the public's understanding of the operations and activities of our nation's prison systems. How these systems operate on behalf of the nation's

citizens and taxpayers, and their failure to follow environmental regulations, are issues of important public interest.

Earth Island Journal and *Truthout* have no commercial interest in this request. We are nonprofit organizations. We will not sell the documents requested to any other party, nor will we realize any profit or income as a result of receiving the documents at issue in this FOIA request. Our sole purpose in making this request is journalistic — i.e., to further educate the public about the operation of the nation's prison systems. At no point has either publication ever realized any commercial gain from other, similar public records requests. No commercial interest outweighs the public interest in disclosing the requested information.

We request that the documents responsive to this request be provided in electronic format. Each responsive document should be one PDF file, as opposed to each page of the document being a separate file. Each file should then be placed on a CD or DVD and mailed to the following address:

Candice Bernd
Editor/Staff Reporter
Truthout
2210 Westwood Dr.
Denton, Texas, 76205

For any documents you claim exempt from disclosure, please provide a privilege log including the type/title of document withheld, the length of the document, its date and the specific statutory exemption claimed as the basis for the non-disclosure. Please inform us of the administrative appeal options available in the event any part of this request is denied (i.e., to whom and where we should appeal.) We are requesting the disclosure of any non-exempt portions of the documents we are seeking.

Thank you in advance for your attention to and cooperation in this matter. We look forward to your prompt response. If you have questions or require further information to process my request in a timely manner, please contact **Candice Bernd** by mail or by email at candice@truthout.org. She prefers email as it is faster.

Sincerely,

Candice Bernd
Editor/Staff Reporter
Truthout

Maureen Nandini Mitra
Editor
Earth Island Journal

Zoe Loftus-Farren
Associate Editor

